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EXAMINER	
SINGH, RAMNANDAN P	

ART UNIT	PAPER NUMBER
2646	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/026,394	SILVER ET AL.	
	Examiner	Art Unit	
	Ramnandan Singh	2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 31, 2005 have been fully considered but they are not persuasive.

(i) Applicant's argument –"Howe does not teach, suggest, or describe a central office switch for monitoring a call forwarded to a network-based voice mail systems recited by claim 1" on page 10.

Examiner's response---Examiner respectfully disagrees. Howe et al states that their invention can be configured to operate with other telecommunications switching mechanisms including a private branch exchange (PBX) [col. 7, lines 29-42].

(ii) Applicant's argument---"Howe describes that call monitoring is not available to the called party if the called party does not answer the call" on page 11.

Examiner's response---The Applicant's argument is not directed to the claim. However, Howe et al teach that , after the call is routed to the voice mail system (VMS), the monitoring is available between 3rd ring and 5th ring to the called party [col. 9, line 60 to col. 10, line 12].

2. **Status of Claims**

Claims 1 and 26 are amended.

Claims 1-38 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 13, 18, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Howe et al [US 5,471,519].

Regarding claim 1, Howe et al teach a central office switch (13) for communications monitoring and controlling a call forwarded (i.e. **routed)** to a network-based voice mail system (VMS) [col. 3, lines 16-23; col. 3, line 46 to col. 5, line 63; col. 9, lines 26-28; Abstract], as shown in Fig. 1, comprising:

a central office switch (CO) (i.e. **End Office (13)**) connected to the VMS (i.e. **service node 16**) and customer premises equipment associated with a called party (**18A**), the CO (13) operative to receive a call to a called party number;

if the call is not answered, means for forwarding (i.e. **routing)** the call to the VMS (16);

after the call is forwarded to the VMS, means for receiving a call monitoring provisioned signal from the VMS (16), wherein the call monitoring provisioned signal indicates that call monitoring is allowed, and

in response to the call monitoring provisioned signal, means for sending an activate call monitoring alert signal to the CPE associated with the called party (18A) to

alert the called party that call monitoring is available [Figs. 1-3E; col. 7, line 10 to col. 11, line 39; col. 12, lines 8-49; col. 13, lines 51-65; col. 22, lines 17-53].

Regarding claim 2, Howe et al further teach the CO, wherein the VMS is further operative to: determine if a calling party exits the called party's voice mailbox; and if the calling party exits the called party's voice mailbox, then to send a deny (i.e. **discontinue**) call monitoring signal to the CO (14) [Figs. 3C-3D; col. 16, line 58 to col. 17, line 6; col. 22, lines 48-53].

Claims 13 and 18 are essentially similar to claim 1 and are rejected for the reasons stated above.

Claim 30 is essentially similar to Claim 1 except for a speaker assembly which is not shown [col. 1, lines 32-45; col. 2, lines 42-49]. It may further be noted that the speaker assembly for monitoring a call is an inherent feature of a telephone answering system. For example, Manicone [US 5,748,718] shows a telephone monitoring system having a speaker which is connected to audibly monitor a call on a telephone line [col. 4, lines 47-65].

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al [US 5,471,519] in view of Woo et al [US 4,811,381] and further in view of Muller [US 6,295,341 B1].

Regarding claim 26, Howe et al teach a method for communications monitoring and controlling a call forwarded (i.e. **routed)** to a network-based voice mail system (VMS) [col. 3, lines 16-23; col. 3, line 46 to col. 5, line 63; col. 9, lines 26-28; Abstract], as shown in Fig. 1, comprising:

a central office switch (CO) (i.e. **switching point 14**) connected to the VMS (i.e. **service node 16**) and customer premises equipment associated with a called party (**18A**), the CO (14) operative to receive a call to a called party number , forward (i.e. **route)** the call to the VMS (16), receive a call monitoring provisioned signal from the VMS (16), wherein the call monitoring provisioned signal indicates that call monitoring is allowed, and in response to the call monitoring provisioned signal, to send an activate call to monitoring alert to the CPE associated with the called party (18A); and the VMS operative to send the call monitoring provisioned signal to the CO [Figs. 1-3E; col. 7, line 10 to col. 11, line 39; col. 12, lines 8-49; col. 13; lines 51-65; col. 22, lines 17-53].

Howe et al do not teach the method , wherein the call monitoring provisioned signal is a start of greeting signal sent by the VMS when the VMS plays a called party's voice mail greeting. However, playing a personal greeting in a voice mail system is well-known in the art.

Woo et al teach a method for monitoring a call forwarded to a network based voice mail system (VMS) shown in Fig. 1, comprising:

receiving a call forwarded to the VMS 32 with a called party number from a central Office switch 22 [col. 2, lines 40-47; col. 3, lines 45-59; col. 4, lines 20-32; Abstract];

sending a start of greeting signal from the VMS 32 [Figs. 1, 7; col. 2, lines 48-53; col. 3, lines 52-59];

playing a voice message greeting associated with the called a party number [Fig. 1, element 32; col. 10, lines 40-47; Abstract]; and

sending an end of greeting signal [col. 4, lines 53-63].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the personal greeting messages of Woo et al with the Howe monitoring system in order to identify the called party [Woo et al; col. 2, lines 48-54; Abstract].

Further, the combination of Howe et al and Woo et al does teach a voice mail box.

Muller teaches a VMS 6 with a mailbox 12 shown in Fig. 1[col. 3, lines 24-37; col. 2, lines 11-45].

Howe et al, Woo et al and Muller are analogous art because they are from a similar problem solving area, viz. , a network-based voice mail system (VMS).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a mail box associated with a particular subscriber with the combined system of Howe et al and Woo et al in order to record an incoming call and conferences [Muller; col. 2, lines 11-24].

Regarding Claim 27, Muller teaches using a voice mail code to access a mail box 12 [col. 2, lines 25-45; col. 3, line 40 to col. 4, line 3; col. 4, lines 50-59].

Regarding Claim 28, Muller uses a number of keys to enter a PIN code to access a mail box 12 [Fig. 2; col. 1, line 66 to col. 2, line 9; col. 7, lines 54-60]. This inherently transmits the code using a DTMF signal.

Regarding Claim 29, Muller teaches that the remote answering device 2 send a few bits of data to the network-based voice-mail system 6 via local service provider 4, as shown in Fig. 1, before disconnecting the line [col. 7, lines 34-37].

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to claim 1 above, and further in view of Woo et al [US 4,811,381].

Regarding claim 3, Howe et al do not teach the CO, wherein the call monitoring provisioned signal is a start of greeting signal sent by the VMS when the VMS plays a called party's voice mail greeting. However, playing a personal greeting in a voice mail system is well-known in the art.

Woo et al teach sending a network based voice mail system (VMS 32), as shown in Fig. 1; wherein sending a start of greeting signal from the VMS 32;

playing a voice message greeting associated with the called a party number ; and sending an end of greeting signal [Figs. 1, 7; col. 4, lines 53-63].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the personal greeting messages of Woo et al with the Howe monitoring system in order to identify the called party [Woo et al; col. 2, lines 48-54; Abstract].

Claims 4-5 are essentially similar to claim 3 and are rejected for the reasons stated above.

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to Claim 1 above, and further, in view of Rogers et al [US 5,946,386].

Regarding Claim 6, Howe et al do not teach the CO, wherein the CPE is operative to generate an alert to a called party in response to receiving the call monitoring alert signal from the central office switch.

Rogers et al teach generating a distinctive ringing sound to alert a user [col. 3, lines 53-65].

Howe et al and Rogers et al are analogous art because they are from a similar problem solving area, viz. , telephone call monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the distinctive sound generation of Rogers et al to the Howe's call monitoring system to alert a particular user [Rogers et al; col. 3, lines 61-63].

Regarding claim 7, the limitation is shown above.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Howe and Rogers et al et al as applied to Claim 6 above, and further, in view of Manicome [US 5,748,718].

Regarding Claim 8, the combination of How et al and Rogers et al does not teach alerting a user using a visual indicator.

Manicone teaches applying a speaker and **display** (i.e. visual) monitor which is connected to audibly and visually monitor signals on the telephone line in the premises when the manually actuatable switch is actuated [col. 4, lines 47-65; col. 2, line 59 to col. 3, line 18].

Howe et al, Rogers et al and Manicone are analogous art because they are from a similar problem solving area, viz. , telephone monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the visual indicator of Manicone to the Howe's call monitoring system to provide detection and visual indication of incoming telephone calls [Manicone; col. 1, lines 14-21].

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to Claim 1 above, and further, in view of Manicome [US 5,748,718].

Regarding Claim 9, Howe et al do not teach the CO, wherein the CPE is operative to go off-hook and to activate a speaker assembly in response to receiving the activate call monitoring data message.

Manicone teaches activating a speaker assembly in response to receiving the activate call monitoring data message [col. 2, line 59 to col. 3, line 18].

Howe et al and Manicone are analogous art because they are from a similar problem solving area, viz. , telephone monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the speaker assembly of Manicone to the Howe's call monitoring system to enable the user to monitor a message being left by the caller [Manicone; col. 3, lines 10-12].

11. Claims 10-12, 14-15, 22-23, 25, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Howe et al Manicome as applied to claims 9, 13, 18, 30 above, and further in view of Gardell et al [US 6,011,896].

Regarding claim 10, the combination of Howe et al and Manicome does not teach an intercept tone.

Gardell et al teach a voice mail intercept service terminal (VMIST) 340 for receiving an intercept tone from the customer's telephone 310; and causing the called party to be connected to a calling party [col. 7, lines 9-33].

Howe et al, Manicone and Gardell et al are analogous art because they are from a similar problem solving area, viz. , telephone call monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the method of sending an intercept tone of Gardell et al with the combination of Howe et al and Manicone in order to apply this to the CO for the voice mail service to create a three-party call [Gardell et al; col. 7, lines 24-28].

Regarding Claim 11, Gardell et al teaches generating DTMF signal by pressing keys used for generating intercept signals and other commands [col. 5, lines 57-63].

Claim 35 is essentially similar to Claim 11 and is rejected for the reasons stated above apropos of Claim 11.

Regarding Claims 12, 22-23, 25, 34, 36-37, see Figs. 6A and 6B [Gardell et al].

Regarding Claim 14, Gardell et al teaches prompting the subscriber at the telephone device 210 to enter a password, and authenticate the password [col. 5, line 50 to col. 6, line 22].

Claim 38 is essentially similar to Claim 14 and is rejected for the reasons stated above apropos of Claim 14.

Regarding Claim 15, the voice mail code (i.e. password) is transmitted , e.g. , as DTMF signals [col. 5, lines 57-63].

12. Claims 14-17, 21, 24, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to claims 13, 18, 30 above, and further in view of Rogers et al [US 5,946,386].

Regarding claim 14, Howe et al do not teach expressly detecting a voice mail code.

Rogers et al teaches identifying a called a party 111 or 113 through the digits entered (i.e. code), through voice recognition or otherwise [col. 11, lines 21-43].

Howe et al and Rogers et al are analogous art because they are from a similar problem solving area, viz. , telephone call monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the method of detecting the voice mail code of Rogers et al with Howe et al to identify the called party [Rogers et al; col. 11, lines 33-39].

Regarding claim 15, Rogers et al teach a DTMF sequence to identify an incoming call [col. 11, lines 47-50].

Regarding Claim 16, when a user receives a **new** voice-mail message, the Call Management System is notified [Rogers et al; col. 28, lines 55-67].

Regarding Claim 17, a call management computer intercepts a telephone call wherein the incoming call type signal having specified DTMF is also determined [Rogers et al; col. 6, lines 55-59; col. 11, lines 44-50].

Claim 24 is essentially similar to Claim 17 and is rejected for the reasons stated above apropos of Claim 17.

Regarding Claims 31-32, Rogers et al generating a distinctive ringing sound to alert a user [Rogers et al; col. 3, lines 53-65].

Claim 21 is essentially similar to Claim 32 and is rejected for the reasons stated above.

13. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to Claim 30 above, and further, in view of Manicome [US 5,748,718].

Regarding Claim 33, Howe et al does not teach alerting a user using a visual indicator.

Manicone teaches applying a speaker and **display** (i.e. visual) monitor which is connected to audibly and visually monitor signals on the telephone line in the premises when the manually actuatable switch is actuated [col. 4, lines 47-65; col. 2, line 59 to col. 3, line 18].

Woo et al and Manicone are analogous art because they are from a similar problem solving area, viz. , telephone monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the visual indicator of Manicone to the Howe's call monitoring system to provide detection and visual indication of incoming telephone calls [Manicone; col. 1, lines 14-21].

14. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to Claim 18 above, and further,

Regarding Claims 19-20, Howe et al do not teach the method , wherein the call monitoring provisioned signal is a start of greeting signal sent by the VMS when the VMS plays a called party's voice mail greeting. However, playing a personal greeting in a voice mail system is well-known in the art.

Woo et al teach a method for monitoring a call forwarded to a network based voice mail system (VMS) shown in Fig. 1, comprising:

receiving a call forwarded to the VMS 32 with a called party number from a central Office switch 22 [col. 2, lines 40-47; col. 3, lines 45-59; col. 4, lines 20-32; Abstract];

sending a start of greeting signal from the VMS 32 [Figs. 1, 7; col. 2, lines 48-53; col. 3, lines 52-59];

playing a voice message greeting associated with the called a party number [Fig. 1, element 32; col. 10, lines 40-47; Abstract]; and

sending an end of greeting signal [col. 4, lines 53-63].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the personal greeting messages of Woo et al with the Howe

monitoring system in order to identify the called party [Woo et al; col. 2, lines 48-54; Abstract].

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh
Examiner
Art Unit 2646

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SUPERVISORY PATENT EXAMINER